

poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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To protect poor

Sterilization guidelines proposed by HEW

WASHINGTON, D.C. — The Department of Health, Education and Welfare (HEW), which pays for sterilization operations for 100,000 poor persons each year, proposed new regulations last month to guarantee that no one is forced to be sterilized.

The current rules were written after the Southern Poverty Law Center sued in 1973 on behalf of two young sisters sterilized in a Montgomery birth control clinic. The girls' mother had been told they were receiving shots.

(For background on the cases of Minnie Lee and Alice Relf, see COMMITTEE TESTIMONY, page 3.)

In the 1973 lawsuit, U.S. Dist. Judge Gerhard Gesell ordered the government to protect the poor against forced sterilization. He wrote rules which would do that until the government had time to write its own, which are now reflected in the proposal announced by HEW Secretary Joseph A. Califano Jr.

Califano said that Federal officials had not been nearly meticulous enough in preventing overzealous doctors, social workers and prison officials from forcing women to undergo sterilization operations.

The women involved were always poor, usually uneducated and in most cases were black.

The new rules would do the following:

— Require the patient to sign a consent form showing that she understood the consequences of a sterilization operation.

— Require the doctor to state in writing that he has informed the patient of the risks and benefits of sterilization and has impressed on her that she will not lose welfare funds or other benefits if she declines to be sterilized.

— Establish a mandatory waiting period of 30 days between the time a consent form is signed and the time a sterilization operation is performed using department funds.

— Prohibit payment for steriliza-

tion operations on anyone under the age of 21.

— Prohibit Federal payment for hysterectomies performed solely for birth control.

— Establish special procedures to assure that people in prisons or mental institutions and those who are mentally incompetent are not sterilized capriciously.

The sterilization issue has been of concern to the Southern Poverty Law Center and other civil rights groups and women's organizations. Numerous instances have been disclosed in recent years where poor women have been coerced into being sterilized.

The issue has been closely linked to racism, such as in the South Carolina case where a doctor set his own personal standard of not delivering the third baby of a black woman on welfare unless she agreed to have her Fallopian tubes tied. The doctor said he did so because of the heavy tax burden welfare was causing.

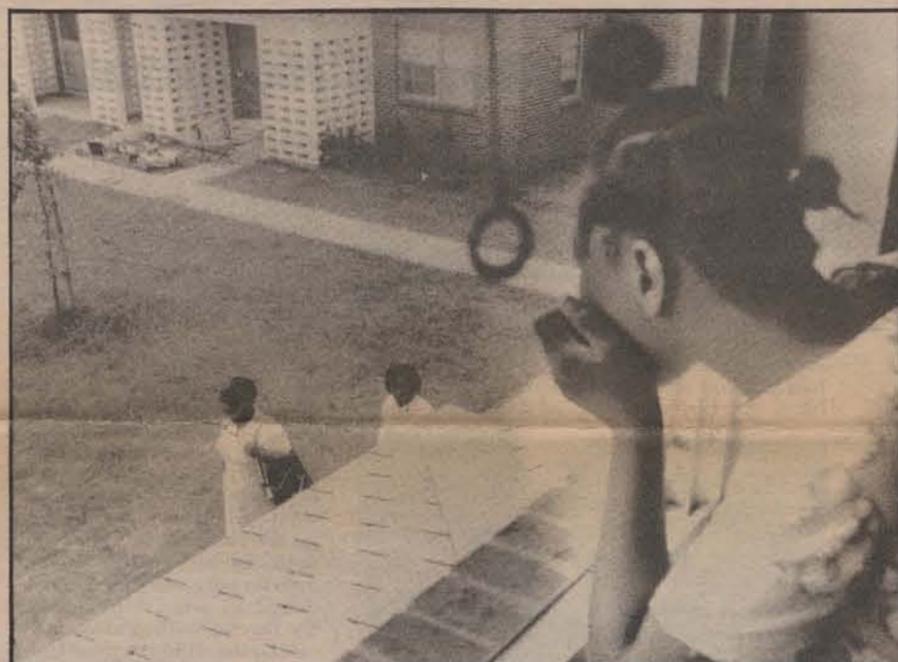
Hospital records where the doctor worked showed that 18 of 34 deliveries paid for by Medicaid in 1972 involved sterilization; 16 of the 18 involved black women.

HEW Secretary Califano said his department had no way of knowing how many women had been unwittingly sterilized in recent years, but another official said the number was in the thousands.

Califano said HEW is considering allowing sterilization of some mentally incompetent persons in states that consider these persons "capable of giving informed consent."

Voluntary sterilization of anyone in a jail or mental institution would be funded only if a special review committee and a court approved.

Public hearings on the proposed regulations were scheduled during January in Washington and at HEW's 10 regional headquarters at Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Denver, San Francisco and Seattle.



Mary Alice Relf, who was 12 when this photo was made at her housing project home in Montgomery, was sterilized by welfare officials.

South Carolina man, 62, could go to electric chair

WALTERBORO, S. C. — Clemmie Moultrie, 61, is a tired old man in the worst possible trouble; he faces death in the South Carolina electric chair. He is black, and he is accused of killing a white deputy sheriff.

Moultrie's predicament stretches back to when he lost the job he had held for 39 years. Then, in April of last year, the heater he used to warm his small house blew up in his face, putting him in the hospital.

Moultrie thought he was buying his house and had been making regular payments on it to a black landlord. But, as it turned out, his payments had been only for rent, and in September the landlord said Moultrie had to leave his house. Moultrie refused.

On Friday, Sept. 15, 1977, a man showed up at Moultrie's house, climbed on the roof and began taking down the television antenna. He told Moultrie he was there to tear the house down. With his rifle, Moultrie drove the man away, telling him to have the landlord come there to talk.

The landlord never came, but the police did, and threatened to arrest

Moultrie for pointing a firearm. Confused and angry by this time, Moultrie told them to leave, too.

The next day, Friday, a female city employee and another police officer returned and tried to talk Moultrie into leaving his house. He refused, and ran them away.

On Monday, Sept. 19, the local sheriff's department sent an officer to serve a warrant sworn out against Moultrie by the man who had first been up on the roof.

When the deputy arrived with the warrant, Moultrie again refused to leave the house and asked again that the landlord come there to talk to him.

The deputy called for assistance, more officers arrived, shooting started, and three deputies were shot. One of them, Tony Breland, 25, died shortly thereafter. Moultrie's house was filled with teargas and he eventually surrendered.

Because every local and county law enforcement department had been involved in the shootout, the State of South Carolina Law Enforcement

(Continued to page 3)

Lawsuits explore rights of juveniles

In the *Newsweek* article reproduced below, one of the most complex of all modern legal issues — the rights of institutionalized children — is explored.

The Georgia case in the last paragraph of the second column of the *Newsweek* article is that reported in the previous issue of the *Poverty Law Report*, *J. L. and J. R. v. Parham*, which involves two juveniles of average intelligence warehoused in mental hospitals.

Even the simplest cases of this type are troublesome and confusing, but the problem becomes even worse when the child involved is from a poor family which must rely on the state to provide the treatment.

The Southern Poverty Law Center recently entered another Georgia case

which makes this painfully clear. The child in question, who will not be named here to protect his privacy, was adjudged a delinquent after he shot both of his parents with a pistol.

The judge hearing the case found that the child was exceptionally intelligent but needed special psychiatric treatment. The judge also found that the State Department of Human Resources, which handles juvenile cases of this nature, did not have the resources to treat the child but that a private hospital in the area did.

The judge first ordered the child sent to the private hospital, but then, in another hearing after the state objected to paying for that treatment, decided

that he did not have the authority to order the state to pay for private treatment.

There is no question that if this child were from a wealthy home he could have the treatment which the attorneys, doctors, parents and judge in this case all agree that the child needs.

The Southern Poverty Law Center is assisting Atlanta attorneys Alan Turem and Andrew Kirschner to ensure that this child, and others like him, has equal access to treatment rather than being warehoused in an inadequate state facility.

In the case of *J.L. and J.R. v. Parham*, the United States Supreme Court is expected to rule by Spring.

JUSTICE

Kids in Mental Hospitals

John had a lot going for him—good looks, athletic grace, a fine mind and a wealthy Los Angeles family. But in his mid-teens, he developed a bizarre habit: toying with explosives. He blew off part of his hand with a firecracker and got expelled from boarding school for breaking into the chemistry lab one night to build a bomb. When John failed to respond after months of psychiatric treatment, his parents reluctantly committed him to a private hospital. Nine months later, the 17-year-old called a lawyer,

and the process of institutionalizing a child is surrounded with legal ambiguities, often resulting in human tragedies. Although no precise figures exist, a minimum of 10,000 youngsters under 18 are now in mental hospitals because of their parents' actions. Many of them, like John, may be seriously ill, and their parents want to do what they think best for the children. But some children have been committed, without persuasive medical evidence, for astonishing reasons: the parents wanted to go on vacation; the child interfered with "the emotional adjustment" of the parents; the child stayed out too late at night. In reaction, recent court decisions have expanded the children's rights to review of their cases—and some authorities fear the reaction may have gone too far.

Children's Rights: The campaign to provide youngsters a hearing before commitment follows a series of victories by children's advocates in the Supreme Court. In the past decade, the Court for the first time granted juveniles the right to a lawyer when they face imprisonment, gave children the right to due process before they could be suspended from school and allowed girls to have an abortion without their parents' consent. The government may intervene, the Supreme Court held in 1972, when parents' "decisions will jeopardize the health or safety of the child." But last term, after accepting a Pennsylvania case that would have tested commitment standards, the Court ducked a ruling. While the case was pending, the state legislature passed a mental-health statute granting certain due-process rights to children. Ferleger has refiled the suit because he does not think the statute goes far enough.

The issue has already returned to the Supreme Court this term in a similar case from Georgia, where a U.S. district court struck down the state's rules on juvenile commitment. Georgia's appeal, which will be heard this week, flatly opposes granting youngsters a hearing. The lower-court ruling, contends the state's brief, "presupposes that children possess the same right to liberty as adults, a

conclusion which is unsupportable in fact or law . . . Procedural rights of children cannot be expanded except at the expense of parents' responsibility and authority."

Most states now give parents the right to commit minors up to the age of 12 without a hearing, and usually they allow commitment up to 18. But the rules are changing. Last spring, the New Mexico legislature mandated pre-commitment hearings for children from birth, and last summer, the California Supreme Court held that all youngsters over the age of 14 were entitled to a hearing.

Parents Bristle: When word of the decision reached California's institutionalized teen-agers, they all but rushed the courts. Already, more than half of the 14- to 18-year-olds at the Napa and Camarillo state hospitals have taken steps to qualify for release hearings. "It was fiction that these kids' commitment was voluntary because their parents volunteered them," says David Guthman, who oversees the psychiatric section of the Los Angeles district attorney's office. "The kids had no rights, there were no psychiatric criteria, no nothing."

Parents understandably bristle at what they perceive as state interference. "The court was deciding whether or not we had the right to decide for our child in his best interest," says an outraged California father, who had committed his 15-year-old son after the boy stole from his classmates, beat up his sister and lit fires in the street. The boy was about to win his release, but when his parents said they would not take him back into their home, the frightened youngster meekly agreed to return to the hospital. Mothers and fathers have the right to refuse custody, says Los Angeles lawyer Peter Hoffmann, who has represented parents in commitment cases. "But then what happens? The kid sits in juvenile detention hall until someone manages to find a foster home for him."

Who Is Responsible? Doctors are split over the value of hearings. For example, New York psychiatrist Eli Charles Messinger supports the idea because even a few days in an institution can scar a child. "Hospitalization should be used only as a last resort," he says. The American Psychiatric Association is just as eager to protect children, but it views hearings from a different perspective. "The hearing could drive a wedge between parent and child," explains APA counsel Joel Klein. "For younger children especially, it could be traumatic."

"The issue goes to the heart of who is responsible for protecting children," says lawyer Ferleger. Most Americans undoubtedly believe that the responsibility belongs primarily to parents. But clear evidence exists that some children suffer unfairly. As in a dozen other social dilemmas, the courts are saddled with finding a balance—and they won't be relieved of the chore any time soon.

—JERROLD K. FOOTLICK with SUSAN AGREST in Philadelphia, JANET HUCK in Los Angeles and bureau reports



James D. Wilson—Newsweek

Children in custody: A rush to the courts

who filed a petition for habeas corpus. The judge who heard the case sympathized with John's parents, but the teen-ager had been committed without a legal hearing. So the judge ordered John's release, holding that "the rights of parents cannot be said to overrule the constitutional rights of minors."

If John had been an adult, he would have been routinely entitled to a hearing before commitment to a mental institution. But U.S. law has historically granted parents the sole discretion over whether to commit their children. Now, courts and legislatures are being asked increasingly to make Solomon-like decisions: under what circumstances should the government intervene in the parent-child relationship? "The majority of situ-

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Youth, 13, seeks new trial on his murder conviction

COLUMBIA, S.C. — Robert Lee Smith was 13 when he was given a polygraph test which he had been told could clear his name of the 1972 murder of a woman who ran a store near his home.

South Carolina law enforcement officials say Robert failed the test and then tearfully confessed to the murder. A trial court judge, however, ruled that the confession was inadmissible because Robert had not received adequate warnings of his rights.

The state appealed the judge's ruling, a higher court reversed, and Robert was tried and convicted in 1975.

The Southern Poverty Law Center is now assisting Charleston Public Defender Edmund H. Robinson to win a new trial for Robert Lee Smith.

SPLC attorney Steve Ellmann said the issue in the case is whether a boy of 13, alone in a strange and hostile situation, could fully understand the significance of his actions and voluntarily give the alleged waiver of rights and confession, particularly when he was never clearly advised of his rights.

Robert's mother was taken with him to Columbia where the polygraph test was administered, but she was required to leave the polygraph room before the test. She was not allowed to go to her son, even when she heard him crying in the room where the test was given. Robert also did not have an attorney present.

Black executions

Since 1930, some 3,850 persons have been executed in the United States. Of these 2,066 or 54 percent were black. During those years, blacks were about one-eleventh of the population. — National Conference of Black Lawyers.

In 1973 hearings

Senate committee told of sterilization abuses

On July 10, 1973, at the invitation of Senator Edward Kennedy, members of the Relf family testified before the U.S. Senate Subcommittee on Health in Washington, D.C., regarding the three Relf sisters' receipt of periodic injections of the experimental birth control drug Depo-provera and the subsequent surgical sterilization of fourteen-year-old Minnie and twelve-year-old Mary Alice.

Accompanying the Relfs was Southern Poverty Law Center general counsel Joe Levin, whose statement of the facts surrounding the family's experience with the Montgomery Family Planning Clinic depicted for the Subcommittee a portrait of disregard by welfare workers for the legal rights of the supposed beneficiaries of social services. Levin has since resigned from the Law Center to become the chief counsel to the National Highway Traffic Safety Administration.

Levin testified as follows:

On June 14, 1973, Mary Alice Relf, age twelve, and Minnie Relf, age fourteen, were surgically sterilized in a Montgomery, Alabama hospital.

These tubal sterilizations took place under the direction of the Family Planning Clinic of the Montgomery Community Action Committee, an OEO-funded project.

In addition to Minnie and Mary Alice, the Relfs have one other daughter, Katie, who is seventeen years of age. When Community Action moved the Relfs to a public housing project in 1971, the Family Planning Service began the administration of birth control injections to Katie. According to Mr. and Mrs. Relf, no parental permission was sought or given.

At a later date, the clinic began the administration of the same shots to the two younger girls.

In March, 1973, Katie Relf was taken to the Family Planning Clinic for insertion of an intra-uterine birth prevention device (IUD). Once again, her parents say, they were not asked if they had any objection. After arriving at the clinic, Katie did object to the procedure. But she was told by the nurse that she needed it, and the IUD was implanted.

On June 13, 1973, a Family Planning nurse picked up Mrs. Relf and the two younger girls and transported them to a doctor's office. Mrs. Relf understood that the girls were being taken for some shots. She thought the shots were the same as those all three children had been receiving for some time.

Neither Mrs. Relf nor the girls spoke with anyone at the office. From the doctor's office the children and their mother were transported to the hospital where the girls were assigned a room.

It was at this time that Mrs. Relf, who neither reads nor writes, put her mark on what we later learned was an authorization for surgical sterilization. Mrs. Relf was then escorted home. Minnie and Mary Alice were left by themselves in a ward. Minnie and Mary Alice said that neither had seen the physician who was to perform the operation, and that neither had been told what was going to happen to them.

The next morning, both children were placed under a general anesthetic and surgically sterilized. Mrs. Relf and the girls stated that at no point prior to the operations did they see or talk with the doctor who performed the operations or any other physician, and that at no time prior to the surgery did any physician discuss with them the nature or consequences of the surgery to which Minnie and Mary Alice were

about to be subjected. The girls were released from the hospital after three days.

On the afternoon of the day Minnie and Mary Alice were taken to the hospital, the same Family Planning nurse had returned to the Relf home and attempted to take Katie to the hospital. Katie locked herself in the room and refused to go.

I was told by persons who spoke with the Director of the Clinic and the nurse on the day of the surgery that the reason for the operations was the existence of new policies which prevented nurses from going out into the community to administer shots and birth control devices; that boys were "hanging around" the girls and that the simplest way to insure against pregnancy was sterilization.

I decline to engage in debate over the relative merits of sterilizing children. I see no justification for permanently depriving any child of his or her right to conceive, regardless of the child's present mental or physical condition; nor do I believe that agencies, by committee or other means, have the right to sterilize any person, regardless of age, unless that person, intelligently and with full and complete knowledge of the consequences, desires to be permanently stripped of the ability to create life. Passing the age of 21 is not necessarily a barometer for measuring the ability of an individual to comprehend the significance of sterilization.

In order to begin to understand why it happened to these children I think one must examine the social services system under which they and their family exist. They receive \$156 per month from the Alabama Department of Pensions and Security; they receive food stamps; they receive subsidized medical assistance; and I am sure other aid unknown to me at this time.

In other words, each member of this family lives his or her existence under a microscope. They are visited almost every week by some social service person who either functions under the direction of the state or Federal government or whose salary is paid, directly or indirectly, through some combination of local, state and Federal funding.

They are surrounded by a welfare state upon which they depend for their very existence; and they are easily "coerced" into doing what the welfare people recommend to them. It is a very sophisticated, probably unintentional coercion, but it is extremely effective.

One must ask whether or not the hospital, the doctor, the nurses, and



1973

the anesthesiologist would have as quickly participated in the sterilization of a "paying customer." Would this medical complex have permitted a middle-class white or black parent to so easily sign away his child's ability to procreate? Would the middle-class parent, absent the kinds of dependency pressures exerted on a welfare family, have even considered surgical sterilization for his children? I believe this Subcommittee will find that the sons and daughters of middle America are not sterilized, regardless of their physical or mental condition. It is the "free clinic" patient who is fair game for this most final of birth control methods.

I recently spoke with an employee of the agency who wrote the proposal which will provide HEW funding for the Montgomery Family Planning Clinic. In response to a remark of mine condemning sterilization of minors, he asked if I would also be opposed to sex education in the schools since minors are affected there. It is this apparent complete inability to draw lines to make distinctions to instinctively recognize the difference between a birth control pill and surgery which forever halts the ability to participate in conception, which frightens me.

Sterilization is not "birth control" when applied to minors and incompetents — it is mayhem, and it must be stopped now. The strictest guidelines for sterilization should be established and distributed to all agencies, hospitals, or individuals who in any way participate in Federal or state funded sterilization programs.

I have every reason to believe that what happened to the Relfs is not uncommon; that for some time now OEO-funded and HEW-funded family planning projects have been securing sterilization operations for the minor children of poverty-stricken families, and I know that the decisions about who shall or shall not receive this so-called service must have been based upon only the most general criteria. Surely there are as many different procedures for determining who gets sterilized as there are clinics offering the service.

A look into this whole field of beneficent government medical services and the treatment accorded poor people in the administration of such services, is long overdue. On behalf of the Relf family and the thousands of other families who require governmental assistance in order to fulfill the most basic needs of life, I implore you to give this matter your closest attention.

Teens burn 4 Georgia churches

Three white Georgia teenagers were arrested last month and charged with the burning of four small, rural churches with all-black congregations.

All of the one-room frame buildings were located in isolated areas in east Georgia and all were completely destroyed. Local authorities say the teenagers had been drinking.

The burnings revived ugly memories from the past two decades when black churches in the South were frequently the target of white racist bombers and arsonists.

In Montgomery, Ala., during the bus boycott led by then-unknown Martin Luther King Jr., four black churches and the homes of two black ministers were bombed in a single day in 1957. Some 37 churches in Mississippi alone were burned to the ground during the summer of 1964.

The three recent church burnings occurred on Sunday night, Dec. 18, 1977. The three teenagers were arrested after a witness gave sheriff's deputies a description of a car which had been seen leaving one of the blazing churches.

The leaders of the congregations were stunned. "It's the same reason other things happen in the world. There was just no point in it," said Albert Rucker, a deacon of one of the churches, the Mulberry Baptist Church near Washington, a small community in Wilkes County.

The other burned churches were the Mt. Zion Baptist and Antioch CME (Christian-Methodist-Episcopal) churches near Lincolnton, and the Zora CME Church near Washington.

The 50 or so members of the Antioch church had spent part of their Sunday morning monthly service discussing new carpeting for the church floor. By midnight, they had no church.

Within a day after news of the burnings had spread, several church congregations — black and white — were organizing a fund to help the rebuilding process.

The teenagers accused of the burnings, meanwhile, have been charged with arson and await trial. Two of the three are juveniles.

South Carolina man faces the electric chair

(Continued from page 1)

Division was called in to investigate this case. The report stated:

"From what we can gather in this investigation, there has been a total breakdown in communication between the City Officials of Walterboro, the Police Department and the Colleton County Sheriff's Office."

Clemmie Moultrie does not have a criminal record. He has never been a trouble-maker in his community, where he is well-known. He worked at the same job for 39 years. He was buying — or thought he was buying — a house.

His local attorney says the combination of events leading to Moultrie's arrest was "the straw that broke the camel's back." The Southern Poverty Law Center will help defend Moultrie at his upcoming trial.

Docket Update

Hawes death sentence removed



ATLANTA, Ga. — The Georgia Supreme Court has set aside the death penalty for Gary Lee Hawes, who was 16 when sentenced to die for his role in the robbery and murder of a supermarket clerk in south Georgia. The court upheld his conviction for that crime, but said the jury's death verdict was improper. The court ordered a new trial to determine a proper sentence for the youth. Hawes participated in the crime with older brothers, some of whom received lesser sentences than he did, despite his youth and lack of a prior criminal record. Hawes had an appointed lawyer at his lower court trial, but was represented by Millard Farmer, director of the Team Defense Project, 15 Peachtree St. NE, Atlanta, GA 30303, in his appeal. That appeal was undertaken while Team Defense was operating under a year's grant from the Southern Poverty Law Center, though the grant had expired by the time his death sentence was reversed. The Southern Poverty Law Center has offered to Hawes's attorney to pay the costs of any future trial for him.

Dawson Five case dismissed



DAWSON, Ga. — Two years after their arrest for an alleged murder, the young men who came to be known as the "Dawson Five" are free. Superior Court Judge Walter Geer declared that a confession taken from one of the defendants had been obtained by threats of castration and electrocution and therefore could not be used against the youths. Since there was no other evidence against them, the prosecutor said he would ask for the charges to be dismissed. "We consider that it is over. We think we are free," said J.D. Davenport. The four others who were accused were Roosevelt and Henderson Watson and Johnny and James Jackson. Except for Henderson, all were teenagers when arrested for the murder of a man who was a customer during a robbery at a small rural store not far from the Watson home. The five youths spent almost a year in the Terrell County Jail before being released on bond. They were represented by attorney Millard Farmer, director of the Team Defense Project, 15 Peachtree St. NE, Atlanta, GA 30303. Team Defense was funded by the Southern Poverty Law Center from Aug. 1, 1976, to Aug. 1, 1977, the period during which the Dawson Five case was undertaken by Team Defense. But the SPLC grant to Team Defense expired before the case had ended, and Farmer completed the case. He and his staff spent many hours working to keep the young men from going to the electric chair. A celebration to observe the freedom of the Dawson Five has been planned for Jan. 29, the second anniversary of their arrest, at Sardis Church in Terrell County. Mail for the youths should be sent to the Team Defense Project.

More hearings set in bus suit



ROCHESTER, N.Y. — More hearings have been ordered here on a lawsuit seeking equal access to public transportation for handicapped persons. The suit, *Leary v. Crapsey*, was brought by the Monroe County Legal Assistance Corporation, with the help of the Southern Poverty Law Center, on behalf of a group of handicapped persons and against the local bus company. A Federal judge dismissed the complaint last summer, but an appeals court said last month that the case deserves a more detailed examination of new Urban Mass Transit Administration regulations concerning the handicapped. There are about 3,000 mobility handicapped persons in Monroe County, all of whom suffer because the local bus system has not provided for them in accord with the law. The Regional Transit Service has 235 buses, but only four have the wide doors and special lifts necessary for people in wheelchairs. These four buses pick up passengers only in limited areas and take passengers only to hospitals and similar institutions. Handicapped persons therefore have no access to stores, jobs, friends and entertainment. The lawsuit asks that discrimination against the handicapped be stopped.



Attorney Jerry Paul faces possible loss of his law license as a result of his defense of Joan Little, foreground. Attorney Karen Galloway is also pictured.

Jerry Paul faces disbarment for role in Joan Little case

RALEIGH, N.C. — North Carolina attorney Jerry Paul goes on trial here in April on charges stemming from his 1974 defense of Joan Little, charges which could lead to his disbarment from the practice of law.

Paul has been an unpopular figure in North Carolina since he, with the help of some other attorneys, including those from the Southern Poverty Law Center, won Miss Little's acquittal on charges of murdering the jail guard who raped her.

Paul exposed both racism and sexism in the legal system and did it in such a way that many powerful North Carolina figures became very angry. After the trial, he was tried and convicted for contempt of court and that charge will be used against him again in the disbarment proceedings.

Denise Leary, one of Paul's volunteer attorneys, said his defense has been hindered by denial of motions for discovery of evidence and by a lack of funds.

She estimates that Paul's trial will last for four weeks and that some \$55,000 is needed to meet the expenses of that litigation. The figure is high because the North Carolina Bar Association is determined to drive Jerry Paul out of the practice of law, she indicated.

A campaign to raise defense funds has been established in Durham, N.C. The address for the Jerry Paul Legal Defense Committee is P.O. Box 1315, Durham, N.C. 27702.

In all, there are seven charges against Paul, but Ms. Leary said the issue boils down to "a question of proper standards" in deciding what a lawyer can and cannot say about his client.

Paul is charged with professional conduct prejudicial to the administration of justice because he made statements to the news media in which he allegedly called the presiding judge "old-fashioned" and said the North Carolina legal system was "racist" and that his client was "innocent."

Paul is accused of making "self-laudatory" statements which would attract clients (a lawyer is forbidden from seeking clients), partly because he allegedly called himself "a freedom-fighter."

One of the problems in raising money for Paul's defense is that people take the charges lightly, Ms. Leary said. "People read the complaint and can't believe this is serious, but they are. They want to stop Jerry from practicing law."

"This is very much an issue of free speech," Ms. Leary said.

Center reports endowment rise

MONTGOMERY — The Southern Poverty Law Center's Board of Directors announced an increase in the Center's Restricted Endowment Fund from \$2.3 million to \$3.6 million for its fiscal year that ended in 1977. The Center's Restricted Endowment Fund ensures that funds will be available for current and future litigation.

The Center's Restricted Endowment Fund is expected to earn interest income of \$290,000 in fiscal 1978. The Center's 1978 operating budget is \$1.2 million. It is the Center's goal to increase its Restricted Endowment Fund over the next several years to \$5 million so that the Fund's annual income will operate the Center's entire budget. When this occurs, the Center's long-range future will be insured, and the Center should be able to cease its fund-raising operations. Fund-raising by mail is becoming more expensive as postage rates and printing costs increase.

N.C. seeks extradition

Joan Little, meanwhile, is in jail in New York. After her 1974 murder trial, she was returned to jail to serve out a seven-to-10 year term for breaking and entering. She escaped last October, and was recaptured in Brooklyn, New York, two months later. The State of North Carolina is seeking her extradition.